

### **Vogel Paint & Wax –**

The site was listed on NPL in June 1986, and EPA delegated the site lead responsibilities to IDNR in a Memorandum of Understanding dated 28 June 1990, which was renewed via a January 3, 1992 letter. Various ESDs regarding the groundwater cleanup strategy have been issued, including an October 2000 ESD. That ESD clarified the groundwater cleanup objective as federal drinking-water maximum contaminant levels (MCLs), Iowa groundwater action levels, and Statewide groundwater protection levels for groundwater in a protected groundwater source and non-protected groundwater source. The 2000 ESD, which EPA reviewed and approved, also set the site property boundary as the point of compliance for groundwater ARARs.

IDNR has generally not welcomed EPA's role as a support agency overseeing the work at the site. The state has taken issue with EPA's review and comment on workplans and reports, particularly with recommendations or comments concerning the need to fill data gaps and/or perform additional work that the state considers to be costly and/or unnecessary. At times, IDNR staff has questioned the need to comply with the NCP at this site since it is state lead.

Region 7 recently focused on improving its relationship with the state regarding this site and had seen some improvement. In the fall of 2018, the site owner and responsible party requested the state's approval for site closure and NPL deletion. The state has recognized the need to have EPA support for and approval of these actions. However, the state has expressed distrust of the region's decisions in these matters and has requested that they be present during conversations with EPA headquarters.

### **29<sup>th</sup> & Mead**

The "29th and Mead Ground Water Contamination" Site (Site) is in northern Wichita, Kansas. The Site consists mainly of a ground water plume of volatile organic compounds that covers approximately 1,440 acres. The Site was placed on the NPL on February 21, 1990. The EPA, in consultation with the KDHE, issued a Record of Decision (ROD) in 1992. The Consent Decree setting forth the terms of the remedial design/remedial action for the site became effective in February 1994.

The Site was deleted from the NPL in April 1996 with the stated intent being that the Site would be deferred to the state for inclusion in its cleanup of the North Industrial Corridor (NIC) site in Wichita. The NIC is a former NPL site comprised of an area of mixed industrial, commercial, residential, recreational, and agricultural properties that extends over 4000 acres in north-central Wichita, Kansas. However, when the KDHE and the City of Wichita entered into an agreement with the City of Wichita for cleanup of the NIC, the Coleman OU was not part of it, most likely because Coleman was still covered under the February 1994 Consent Decree.

In 2018, EPA Region 7, together with KDHE, made a concerted effort to move toward deferral of the Site to the state of Kansas. The proposed process included the state issuing a cleanup decision for the Site equivalent to the EPA 1992 ROD, Coleman and KDHE signing an enforceable agreement for implementation of the remedial action, and finally termination of the CD. Conversations were even held with Coleman, who was conceptually agreeable. Ultimately however, the Department of Justice declined to consider termination of the CD.